

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 1085

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATORS KENNEDY, BRAY, DAYS, SHIELDS, ALTER, STOFFER,  
DOUGHERTY, COLEMAN AND GIBBONS.

Read 1st time February 20, 2006, and ordered printed.

Read 2nd time February 21, 2006, and referred to the Committee on Education.

Reported from the Committee March 15, 2006, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 28, 2006. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

4122S.05P

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## AN ACT

To repeal section 167.627, RSMo, and to enact in lieu thereof one new section relating to students self-administering medication.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 167.627, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 167.627, to read as follows:

167.627. 1. Any board of education of any school district [may permit the  
2 self-administration of medication administered by way of a metered-dose inhaler  
3 by a pupil for asthma or other potentially life-threatening respiratory illnesses],  
4 **its employees or agents, shall grant to any pupil an authorization to**  
5 **possess and self-administer medication to treat asthma or anaphylaxis**  
6 provided that:

7 (1) [The parents or guardians of the pupil provide to the board of  
8 education written authorization for the self-administration of medication and a  
9 written medical history of the pupil's experience with the potentially  
10 life-threatening respiratory illness and a plan of action for addressing any  
11 emergency situations that could reasonably be anticipated as a consequence of  
12 administering the medication and having the potentially life-threatening  
13 respiratory illness] **A licensed physician prescribed or ordered the**  
14 **medication for use by the pupil and instructed the pupil in the correct**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 **and responsible use of the medication;**

16 (2) [The parents or guardians of the pupil provide to the board of  
17 education written certification from the physician of the pupil that the pupil has  
18 asthma or another potentially life-threatening respiratory illness and is capable  
19 of, and has been instructed in, the proper method of self-administration of  
20 medication and informed of the dangers of permitting other persons to use  
21 medicine prescribed for the pupil] **The pupil has demonstrated to the**  
22 **physician, or such physician's designee, and the school nurse, if**  
23 **available, the skill level necessary to use the medication and any device**  
24 **that is necessary to administer such medication as prescribed or**  
25 **ordered;**

26 (3) [The board informs the parents or guardians of the pupil in writing  
27 that the district and its employees or agents shall incur no liability as a result  
28 of any injury arising from the self-administration of medication by the pupil,  
29 absent any negligence by the district, its employees or its agents, or as a result  
30 of providing all relevant information provided pursuant to subdivisions (1) and  
31 (2) of this subsection with the school nurse, absent any negligence by the district,  
32 its employees or its agents, or in the absence of such nurse, to the school  
33 administrator] **The physician has approved and signed a written**  
34 **treatment plan for managing asthma or anaphylaxis episodes of the**  
35 **pupil and for medication use by the pupil. Such plan must include a**  
36 **statement that the pupil is capable of self-administering the**  
37 **medication;**

38 (4) [The parents or guardians of the pupil sign a statement acknowledging  
39 that the district shall incur no liability as a result of any injury arising from the  
40 self-administration of medication by the pupil and that the parents or guardians  
41 shall indemnify and hold harmless the district and its employees or agents  
42 against any claims arising out of the self-administration of medication by the  
43 pupil] **The pupil's parent or guardian has completed and submitted to**  
44 **the school written authorization for the self-administration or**  
45 **possession of medication and any written documentation required by**  
46 **the school, including the treatment plan required under subdivision (3)**  
47 **of this subsection and the liability statement required under**  
48 **subdivision (5) of this section; and**

49 (5) [The permission is effective for the school year for which it is granted  
50 and is renewed for each subsequent school year upon fulfillment of the

51 requirements of subdivisions (1) through (4) of this subsection] **The pupil's**  
52 **parent or guardian has signed a statement acknowledging that the**  
53 **school district and its employees or agents shall incur no liability as a**  
54 **result of any injury arising from the self-administration of medication**  
55 **by the pupil. Such statement shall not be construed to release the**  
56 **school district and its employees or agents from liability for negligence.**

57 2. [Nothing in this section shall be construed to prevent a school district  
58 from requiring pupils to maintain current duplicate prescription medications with  
59 the school nurse or in the absence of such nurse, the school administrator.

60 3. The state board of education shall promulgate such rules and  
61 regulations as it deems necessary to effectuate the purposes of this section.

62 4. No rule or portion of a rule promulgated pursuant to the authority of  
63 this section shall become effective unless it has been promulgated pursuant to the  
64 provisions of section 536.024, RSMo.] **An authorization granted under this**  
65 **section shall allow the pupil involved to possess and self-administer his**  
66 **or her medication while in school, while at a school-sponsored activity,**  
67 **and in transit to or from school or school-sponsored activities.**

68 3. **An authorization granted under this section shall be effective**  
69 **only for the same school and school year for which it is granted, and**  
70 **must be renewed by the parent or guardian each subsequent school**  
71 **year in accordance with this section.**

72 4. **Current duplicate prescription medications authorized under**  
73 **this section, if provided by a pupil's parent or guardian, shall be kept**  
74 **at a pupil's school in a location to which the pupil, or appropriate**  
75 **agent of the school if deemed necessary in the physician's written**  
76 **treatment plan, has immediate access in the event of an asthma or**  
77 **anaphylaxis episode. The location for such medication shall be**  
78 **determined by the parent or guardian, school nurse, if available, and**  
79 **school administrator.**

80 5. **Information described in subdivisions (3) and (4) of subsection**  
81 **1 of this section shall be kept on file at the pupil's school in a location**  
82 **easily accessible in the event of an asthma or anaphylaxis episode.**

83 6. **For purposes of this section the following terms shall mean:**

84 (1) "Medication", any medicine prescribed or ordered by a  
85 licensed physician for the treatment of asthma or anaphylaxis,  
86 including, but not limited to, inhaled bronchodilators and auto-  
87 injectable epinephrine;

88           **(2) "Self-administration", a pupil's discretionary use of**  
89 **medication, pursuant to a prescription or written treatment plan from**  
90 **a licensed physician.**

91           **7. Nothing in this section shall be construed to prohibit schools**  
92 **or school districts from providing current duplicate prescription**  
93 **medication authorized under this section or from implementing a**  
94 **policy for the training of its employees or agents to administer to the**  
95 **pupil the medication authorized under this section.**

Unofficial ✓

Bill

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